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To: "douglas oldmixon" <douglas.oldmixon@trec.texas.gov>
Cc: information@trec.texas.gov
Sent: Monday, July 14, 2014 8:04:10 PM
Subject: Improvement Upon Form 20-12 - Residential Contract (Resale)

Dear Douglas,

I have a few suggested improvements to the "One to Four Family Residential Contract (Resale)". I would really appreciate if you could forward the suggested improvements to the appropriate TREC department.

Specifically, section 6. C. Survey, checkboxes (1), (2), and (3). I believe they could be better arranged and broken down for greater clarity. It has always initially confused me, and I've had to re-read this section many times. And I've used this contract on the sale of 13 homes in the last year! In fact, one of the lines in checkbox (1) has to be bolded for extra clarity.

Here's my suggestion. First, make the checkboxes that are short, the first in line. That way, when the buyer/seller is deciding which one to check, they can more quickly decide the one that fits their scenario. The way it's currently written, buyer/seller has to read the really long checkbox first, when what fits may be the shortly worded checkbox. Ie. This may be more efficient:

(1) Within _ days after the effective date of this contract, Seller, at Seller's expense shall furnish a new survey to Buyer.

(2) Within _ days after the effective date of this contract, Buyer shall obtain a new survey at Buyer's expense. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier.

(3) Within _ days after the effective date of this contract, Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit). If Seller fails to furnish the existing survey or affidavit within the time prescribed, Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date. If the existing survey or affidavit is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at ~~θ~~Seller's ~~θ~~Buyer's expense no later than 3 days prior to Closing Date.

Second, make the checkboxes easier to read. It should be readable by the lowest grade-level education possible, utilizing as few scattered thoughts as possible. Ie. This may be more efficient. For what it's worth, I haven't changed the content of any of these checkboxes – just rearranged them so they flow better. Not adding any length to this form.

(1) Seller, at Seller's expense shall furnish a new survey to Buyer within _ days after the effective date of this contract.

(2) Buyer shall obtain a new survey at Buyer's expense within _ days after the effective date of this contract. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier.

(3) Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit) within _ days after the effective date of this contract. If Seller fails to furnish the

existing survey or affidavit within the time prescribed, Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date. If the existing survey or affidavit is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at Seller's Buyer's expense no later than 3 days prior to Closing Date.

Finally, make the use of the "existing survey" checkbox more clear. Ie. Remove redundant wording, reduce length of form. This does remove the one scenario where a seller provides a survey and T-47 that is not acceptable by the Title Company or Buyer's Lender, and the Buyer would pay for the new survey. But how often is this scenario follow-through? By removing this scenario, we can also un-bold the second line, because the seller has to pay for the survey regardless of what the outcome is of the existing survey. Also, change the **or** to **and**, as shown below. This would match the Seller furnishing the existing survey and T-47 to the Buyer's Lender and Title Company.

(3) Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit) within _ days after the effective date of this contract. If Seller fails to furnish the existing survey **and** affidavit within the time prescribed or the existing survey is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date.

I would love to hear thoughts on suggestions. Just trying to make the TREC forms the best they can be.

Thanks!

Best Regards,
Jimmy Tanghongs
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